

***Claim Rejections –35 USC, Second Paragraph***

Claims 1-9 have been rejected under 35 USC 112, second paragraph, as being indefinite. In response, claim 1 has been amended to make it clear that an object-related identifier is provided in the indicia affixed to the object. As amended, it is believed that the amended claims fully comply with the requirements of 35 USC 112, second paragraph, for particularly pointing out and distinctly claiming the subject matter regarded as the invention

***Claim Rejections – 35 USC §102***

Claims 1-3 and 9 are rejected under 35 USC §102(b) as being anticipated by Knudsen et al. (WO 85/02257). Knudsen et al. disclose an analyzer equipped to read indicia attached to one of a number of different sensors in order to identify what chemical species the sensor can measure (Page 16, lines 16-33). In addition, operating information about each sensor may be contained in the indicia (Page 21, lines 9-12).

Since Knudsen et al.'s analyzer is limited to identifying a type of sensor and its operating characteristics and is silent as to storing the data, it cannot be said that Knudsen et al. discloses or anticipates each and every feature of the claimed invention in which device data are automatically entered into a clinical analyzer's operating control system by reading an object-related indicia that defines where the data are to be stored. For this reason, with respect to Knudsen et al., claims 1-3 and 9 are believed to satisfy the requirements for novelty under 35 USC §102(b) and Applicant respectfully requests removal of this rejection.

Claims 1-2, 4 and 7 are said to lack novelty under 35 USC §102(b) as being anticipated by Weyrauch (US Patent 5,357,095). Weyrauch discloses a chemistry instrument equipped to read indicia attached to the bottom of a reagent bottle in order to

identify bottle size, and reagent identification data to the chemistry instrument as needed for monitoring reagent inventory and life (Col. 8, lines 6-14) Detailed information describing the data encoding scheme and its interpretation are at Col. 10, line 25 to Col.12, line 6.

Since Weyrauch's analyzer is limited to identifying identify bottle size, and reagent identification data and is silent as to storing the data, it cannot be said that Weyrauch discloses or anticipates each and every feature of the claimed invention in which device data are automatically entered into a clinical analyzer's operating control system by reading an indicia that defines where the data are to be stored. For this reason, with respect to Weyrauch, claims 1-2, 4 and 7 are believed to satisfy the requirements for novelty under 35 USC §102(b) and Applicant respectfully requests removal of this rejection.

Claims 1-3 and 5-8 are said to lack novelty under 35 USC §102(b) as being anticipated by Buhler et al. (US Patent 5,700,429). Buhler et al. disclose a vessel holder with multiple chambers the inside each bearing a first bar code label for detecting the absence of a vessel in the chamber, and the outside of each chamber bears a second bar code label for detecting the position of the chamber in the vessel holder. The first and the second bar code labels are readable by a bar code reader from one and the same side of the vessel holder. The purpose is to increase the number of vessels which can be received in the analyzer and to simplify the device for reading bar code label. The details of reading the bar codes may be found at Col. 4, lines 35-56.

Since Buhler et al. is limited to simply reading bar codes to determine presence and location of a vessel within a holder, Buhler et al. do not teach the features of claims 1-3 and 5-8. Thus, it cannot be said that Buhler et al. discloses or anticipates each and every feature of the claimed invention in which device data are automatically entered into a clinical analyzer's operating control system by reading an indicia that defines where the data are to be stored. For this reason, with respect to Buhler et al., claims 1-3 and 5-8 satisfy the requirements for novelty under 35 USC §102(b) and Applicant respectfully requests removal of this rejection.

Applicant believes that this application contains patentable subject matter and that the foregoing remarks provide a basis for allowance of all claims; such allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leland K. Jordan".

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